

III. REMARKS

Status of the Claims

Claims 2,8,12, and 14 are canceled. Claims 1,3-7,9-11, and 13, are amended and new claims 15-43 are added. Claims 1,3-7,9-11,13, and 15-43 are presented for further consideration.

Summary of the Office Action

Claims 1,2,4,5,7,8 and 10-14 stand rejected under 35USC102(e) on the basis of the cited reference Endsley et al, U.S. Patent No. 5,841,471. Claims 3 and 9 stand rejected under 35USC103(a) on the basis of the cited reference Endsley et al in view of the reference Roberts, et al, US Patent No. 6,094,219. The Examiner is respectfully requested to reconsider his rejection in view of the amendments and following remarks.

The Examiner's objections to claim 1 are believed to be fully met by the above amendments.

The Invention

In independent claims 1, 7, 13, and 20, now under consideration, a device and method is described in which a camera module is constructed having a mode of operation in which the image information is reduced during operation of the camera module as a view finder. This is accomplished to facilitate the transfer of image data to the display screen, while avoiding jerky motion on the display. (See page 13, line 20 through page 14, line 16 and page 16, lines 28-29) Neither of the cited references discloses such a system.

Discussion of the Cited References

The reference Endsley is cited in support of the examiner's

anticipation rejection and discloses timing control for a digitally interfaced camera using variable line readout intervals. The camera comprises a CCD, A-to-D block, memory and USB interface. The images can be transferred via USB cable to a host computer. The USB can be set into synchronous and asynchronous modes both having different data rates. The camera of Endsley is also capable of producing both high quality (high resolution) still images and high frame rate, reduced resolution motion images. There is nothing in the reference Endsley that is directed to the use of a camera in a viewfinder mode.

In citing the reference Roberts, et al, the Examiner states as follows:

"The examiner interprets compressing the digital image information after analog to digital conversion as equivalent to adjusting the accuracy of the analog to digital conversion in that both methods result in an decrease of increase in the amount of information used to represent an analog image in digital form."

This statement is not necessarily true as the image compression of Roberts et al does not necessarily reduce the accuracy of the digital pixel information. The compression can also be lossless, wherein the original image can be restored completely after decompression. If, however, the conversion accuracy is reduced, the original information cannot be restored. So, claims 3 and 9 are not rendered obvious by the combined disclosures of Endsley and Roberts. In addition applicant submits that, in view of the amendments to the claims and the newly submitted claims, the issue of obviousness is now moot.

The Issue of Anticipation

It is well settled that a claim is anticipated, "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (See CHISOLM, Federal Circuit Guide, Pg. 1221).

"...it must be shown that the reference contains all of the elements of the claims apart from irrelevant or merely extraneous variations, and the elements are arranged in the same way to achieve the same result which is asserted to be an inventive function..." 454 U.S. 1129 (1981)

The elements of the claim and their function and purpose within the claim must be reviewed in a manner similar to an infringement analysis. If the device described in the cited reference would not infringe if it was later, it will not anticipate if the reference is earlier.

Applying this standard to the device of the reference Endsley it becomes clear that the system of Endsley is missing significant elements of independent claims 1,7,13, and 20. There is no provision in the system of Endsley for reducing image data during the viewfinder operation. Claim 1 states:

"the camera module is adapted to operate in either one of a normal photographic mode and a viewfinder mode, wherein when operating in viewfinder mode the camera module reduces the quantity of digital image information to be transferred from the camera module to the electronic device compared with the quantity of digital image information that is transferred when the camera operates in normal photographic mode."

Equivalent language also is contained in claims 7,13, and 20. Since these elements and the related method step form no part of the system of Endsley, there would be no infringement if Endsley was later, therefore, the cited reference Endsley does not support the rejection by the Examiner based on anticipation.


The above indicated deficiencies of the disclosure of Endsley are not remedied by combination with the disclosure of Roberts. Therefore, as the rejection based on anticipation fails, the rejection based on obviousness must also fail.

The above arguments are equally applicable to the rejected and new dependent claims.

In view of the remarks stated above, Applicant submits that all of the claims under consideration contain patentable subject matter and favorable action by the Examiner is respectfully requested.

A check in the amount of \$1356.00 is enclosed for a three month extension of time and additional claim fees. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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6/19/03
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